

September 14, 2004

**MINUTES OF AN ADJOURNED REGULAR  
MEETING OF THE TORRANCE CITY COUNCIL**

**1. CALL TO ORDER**

The Torrance City Council convened in an adjourned regular meeting at 5:35 p.m. on September 14, 2004, in Council Chambers.

**ROLL CALL**

Present: Councilmembers Lieu, McIntyre, Nowatka, Mauno, Scotto, Witkowsky and Mayor Walker.

Absent: None.

Also Present: City Manager Jackson, City Attorney Fellows, City Clerk Herbers and other staff representatives.

**17. EXECUTIVE SESSION**

The Council immediately recessed to closed session to confer with the City Manager and the City Attorney on the agenda matters listed under 17.a) Conference with Labor Negotiator and 17.b) Public Employee Performance Evaluation – City Manager and City Attorney pursuant to California Government Code Sections 54957 and 54957.6.

The City Council reconvened at 7:07 p.m.

**2. FLAG SALUTE/INVOCATION**

The Pledge of Allegiance was led by Councilmember McIntyre.

The invocation was given by Councilmember Witkowsky.

**3. AFFIDAVIT OF POSTING/WAIVE FURTHER READING**

**MOTION:** Councilmember Scotto moved to accept and file the report of the City Clerk on the posting of the agenda for this meeting. The motion was seconded by Councilmember McIntyre and a voice vote reflected unanimous approval.

**MOTION:** Councilmember Scotto moved that after the City Clerk has read aloud the number and title to any resolution or ordinance on the meeting agenda, the further reading thereof shall be waived, reserving and guaranteeing to each Councilmember the right to demand the reading of any such resolution or ordinance in regular order. The motion was seconded by Councilmember McIntyre and a roll call vote reflected unanimous approval.

**4. WITHDRAWN OR DEFERRED ITEMS**

None.

**5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

Councilmember Witkowsky invited everyone to attend the Employee Talent Benefit Show benefiting the American Cancer Society and South Bay Wellness Center.

Councilmember Scotto announced a meeting of the Finance and Governmental Operations Committee in Council Chambers on Tuesday, October 26 at 5:30 p.m.

Councilmember McIntyre announced an Ad Hoc Rose Float Committee meeting on Monday, September 27 at 4:30 p.m. in the Third Floor Conference Room at City Hall with the focus on fundraising.

City Manager Jackson indicated that information was available at the back of Council Chambers on West Nile Virus, a disease transmitted by infected mosquitoes and he announced that the Los Angeles County West Vector Control District has reported that an individual from Torrance has become the 176<sup>th</sup> case in Los Angeles County to contract the virus, but has been treated and has recovered fully. He explained that since 1944 the Vector Control District has worked to reduce and control the number of disease transmitting insects or animals in the area through monitoring, inspections, and chemical sprays and can be reached at (310) 915-7370 or at [www.lawestvector.org](http://www.lawestvector.org) for information and assistance.

City Manager Jackson updated the Council on local efforts including: treating certain parks with chemicals, stocking ponds with mosquito fish, eliminating over watering run off, periodic cleaning of storm water catch basins and weekly street cleaning which agitates standing water in gutters. In addition to those efforts there will be a recommendation coming before the City Council on September 21 to refinance certain certificates of participation held by the City of Torrance enabling the release of \$17 million for public works and other capital projects in the City. \$2 million will be targeted for neighborhood projects with a high priority in those areas with a standing water problem. He commented that residents could assist in the battle by examining watering patterns to eliminate over watering and make sure there is no pooling of water in gutters, driveways, drained swimming pools, toys, empty flower pots, tubs or bird baths, etc.

Councilmember Mauno indicated that the Vector Control would provide mosquito fish to residents and work to alleviate individual problems.

## **6. COMMUNITY MATTERS**

### **6a. PROCLAMATION RE COASTAL CLEAN UP DAY**

**PROCLAMATION** declaring September 18, 2004 as ***Coastal Clean Up Day*** in the City of Torrance and urging all residents to participate in maintaining Torrance Beach and all other beaches to demonstrate our commitment to environmental awareness and ecological improvement.

The proclamation was read by Councilmember Mauno and presented by Mayor Walker to Wendell Johnson with the Public Works Department, Angelica Ochoa with the Community Development Department and Meredith McCarthy with Heal the Bay. Mr. Johnson invited everyone to come out on Saturday, September 18 between 9 a.m. and noon to participate in the global event noting that Torrance has always had a large community participation as well as strong support from businesses providing refreshments. He thanked American Honda, Torrance Marriott, Claim Jumper, Starbucks, T.G.I. Fridays, Chili's Bar and Grill, the Torrance Bakery and Trader Joes, for their support.

Ms. McCarthy indicated that this is the 20<sup>th</sup> anniversary of Coastal Cleanup Day and they were pleased to receive support this year from Evian Waters, Dasani, the County of Los Angeles, City of Santa Monica and the City of Los Angeles Bureau of

Sanitation which allowed them to create the Coastal Cleanup Day Activity Guide delivered to elementary schools for grades 3-5.

**6b. RECOGNITION OF SCOTT GOBBLE – SOUTHERN CALIFORNIA EDISON**

Presentation of a plaque to **Scott Gobble** - Southern California Edison, for seven years of service on the Carson/Lomita/Torrance Workforce Investment Network Board.

Councilmember Nowatka personally thanked Mr. Gobble for his seven years of service and explained that WiN is a strategic alliance between businesses, community and government that facilitates training and placement in the workforce. He commented that Mr. Gobble had been a huge asset to WiN since he joined in 1997 and he would be sorely missed.

Mayor Walker presented Mr. Gobble with a plaque and Mr. Gobble stated that it had been his pleasure and honor to serve, he applauded the WiN it for what it does and he encouraged people in the South Bay to take advantage of it.

**7. CONSENT CALENDAR**

**7a. APPROVAL OF MINUTES OF JUNE 27, JULY 13, JULY 20, JULY 27 AND AUGUST 3, 2004**

**Recommendation**

Approval of minutes of June 27, July 13, July 20, July 27 and August 3, 2004.

**7b. AGREEMENT RE PROPOSITION A LOCAL RETURN FUNDS FROM PALOS VERDES ESTATES**

**Recommendation**

Recommendation of the **Finance Director** that City Council approve a multi-year (Fiscal Years 2004-2005 and 2005-2006) agreement with the City of Palos Verdes Estates for an exchange for \$65,000 and \$130,000 in City of Torrance General Funds for \$100,000 and \$200,000 respectively of Proposition A Local Return Funds from the City of Palos Verdes Estates.

**7c. CONTRACT RE REPLACEMENT GENERATORS**

**Recommendation**

Recommendation of the **General Services Director** that City Council

- 1) Award a contract to Tamang Electric for \$129,400 with a 5% contingency of \$6,470, for replacement of generators located at Fire Station #5 (FEAP #8), West Annex (FEAP #48) and Civic Center Library (FEAP #53) (B2004-24); and
- 2) Authorize an appropriation of \$59,679.21 from the Building Maintenance Capital Project Fund.

**7d. CONTRACT AMENDMENT RE JOSLYN FINE ARTS GALLERY RENOVATION**

**Recommendation**

Recommendation of the **General Services Director** that City Council approve a contract amendment with Abeam Construction (C2004-062) for \$26,053.30 for a total contract amount of \$590,378.22.

**7e. CONTRACT RE ENGINEERING DESIGN HVAC UNITS**

**Recommendation**

Recommendation of the **General Services Director** and the **Transit Director** that City Council award a contract to Bartef Yoosephiance & Associates for \$27,000 with a contingency of \$1,350 for mechanical engineering design for the replacement of the HVAC units (FEAP #182) and exhaust fans (FEAP #181) at the City Yard and installation of the HVAC system at Transit Building (FEAP #406).

**7f. CONTRACT RE DESIGN SERVICES JOSLYN GALLERY LANDSCAPING**

**Recommendation**

Recommendation of the **General Services Director** and the **Parks and Recreation Director** that City Council:

- 1) Award a contract with BOA Architecture for \$33,600 with a contingency of \$1,680 for design services for Phase II - Joslyn Gallery Landscaping (FEAP #485); and
- 2) Authorize an appropriation of \$35,280 from the Parks and Recreation Open Space Fund.

**7g. PROPOSED CONSTRUCTION IMPROVEMENTS AT 3401 AIRPORT DRIVE**

**Recommendation**

Recommendation of the **Land Management Team** that City Council consent to the proposed construction improvements on City-owned property located at 3401 Airport Drive (C93-027).

**7h. CONTRACT SERVICES AGREEMENT RE TREE REMOVAL/PLANTING**

**Recommendation**

Recommendation of the **Acting Public Works Director** that City Council authorize a contract services agreement with West Coast Arborists, Inc. of Anaheim, CA in an amount not to exceed \$140,000 to furnish all labor, materials, and equipment required for tree and/or stump removal, tree planting and tree trimming on an as needed basis at various locations throughout the City of Torrance for a period of three years. (B2004-31)

**7i. APPLICATION RE CONGESTION MITIGATION AIR QUALITY FUNDS**

**Recommendation**

Recommendation of the **Transit Director** that City Council authorize the City Manager to apply for and the Transit Department to submit on his behalf an application for an amount not to exceed \$2,766,000. This includes \$2,546,000 in Federal Transit Administration (FTA) Urbanized Area Formula Section 5307 Capital funds and \$220,000 in Congestion Mitigation Air Quality (CMAQ) funds.

**7j. US TREASURY UNAPPROPRIATED ASSET FORFEITURE ACCOUNT APPROPRIATION**

**Recommendation**

Recommendation of the **Chief of Police** that City Council appropriate and allocate \$50,000 from the US Treasury Unappropriated Asset Forfeiture account to establish an account for recruitment purposes (FEAP #486).

**7k. AGREEMENT AMENDMENT RE TOWING AND STORAGE SERVICES**

**Recommendation**

Recommendation of the **Chief of Police** that City Council approve an amendment to the no cost agreement between the City of Torrance and Van Lingen Towing (C2001- 199) for vehicle towing and storage services as permitted in the original agreement which was entered into by both parties on September 16, 2001.

**7l. SUBLEASE AMENDMENT RE CARSON WORKSOURCE CENTER**

**Recommendation**

Recommendation of the **Human Resources Director** that City Council authorize the Mayor to execute and the City Clerk to attest to Amendment One of the sublease agreement by and between the City of Torrance and Global Equity Lending, Inc. (C2004-092) to increase the space by 473 square feet, require a demising wall, and make administrative changes.

**7m. CHANGE ORDER RE REPLACEMENT VALVES TRANSMISSION MAIN**

**Recommendation**

Recommendation of the **Acting Public Works Director** that City Council:

- 1) Approve a change order in the amount of \$99,322.39 and authorize a 5% contingency in the amount of \$4,966.12 to Public Works Agreement with Griffith Company (C2004-006) for a new not-to-exceed amount of \$576,473.72 for replacement of valves on Pacific Coast Highway transmission main;
- 2) Appropriate \$104,288.51 from the Water Enterprise Fund to CIP No. I-43; and
- 3) Authorize the Acting Public Works Director to prepare and execute said change order.

**7n. CONTRACT RE C.I.T. OFFICE RENOVATION**

**Recommendation**

Recommendation of the **General Services Director** that City Council:

- 1) Award a contract to DCL Construction Inc. for \$168,062 with a 5% contingency of \$8,403 for the C.I.T. Office Renovation FEAP #303 (B2004-25); and
- 2) Authorize 10% project management fees of \$16,806.

**7o. EVENTIDE VR-778 COMMUNICATIONS RECORDER PURCHASE**

**Recommendation**

Recommendation of the **Chief of Police** that City Council approve the purchase of an Eventide VR-778 Communications Recorder with associated hardware and software, and the second, third, fourth and fifth year service contract for the Police Department in the amount \$62,620.

**MOTION:** Councilmember McIntyre moved to approve items 7a through 7o as written. Councilmember Witkowsky seconded the motion and a roll call vote reflected unanimous approval.

**10. PUBLIC SAFETY**

**10a. RESOLUTION 2004-108 RE WORKERS COMPENSATION AND DISASTER WORKERS**

Recommendation of the **Chief of Police** that City Council adopt a **Resolution** committing to abide by State of California law as it pertains to workers compensation and disaster workers.

**MOTION:** Councilmember Scotto moved to approve the staff recommendation. Councilmember Witkowsky seconded the motion and a roll call vote reflected unanimous approval.

**RESOLUTION NO. 2004-108**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA RELATING TO WORKERS' COMPENSATION BENEFITS FOR REGISTERED VOLUNTEER "DISASTER SERVICE WORKERS."

**MOTION:** Councilmember Mauno moved to adopt Resolution No. 2004-108. Councilmember Witkowsky seconded the motion and a roll call vote reflected unanimous approval.

**10b. MEMORANDUM OF UNDERSTANDING RE AREA G VETERINARY DISASTER TEAM**

Recommendation of the **Chief of Police** that the City of Torrance enter into a Memorandum of Understanding with the Area G Veterinary Disaster Team.

**MOTION:** Councilmember Scotto moved to approve the staff recommendation. Councilmember McIntyre seconded the motion and a roll call vote reflected unanimous approval.

**11. ADMINISTRATIVE MATTERS**

**11a. CONTINUED STATE OF LOCAL EMERGENCY FOR CAROLWOOD LANE AND SINGINGWOOD DRIVE**

Recommendation of the **City Manager** and the **City Attorney** that City Council continue the state of local emergency, proclaimed March 2, 2001 for properties located on Carolwood Lane and Singingwood Drive.

In response to an inquiry from Councilmember Witkowsky, Assistant City Manager Giordano indicated that it was expected that the state of local emergency would be concluded in the next month or two but there were still a couple of items to clear up.

City Attorney Fellows explained that the actual work of reconstruction of the hillside is substantially finished and once the lawsuit is resolved, the state of emergency will end.

**MOTION:** Councilmember Witkowski moved to continue the state of local emergency for Carolwood Lane and Singingwood Drive. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval.

**11b. RESOLUTION NO. 2004-109 RE SAFETY MANAGEMENT EMPLOYEES**

Recommendation of the **City Manager** that City Council adopt a **Resolution** amending the Safety Management Employees Resolution adding Retirement Health Savings Plan (RHSP) language.

**MOTION:** Councilmember Scotto moved to accept the staff recommendation. Councilmember Witkowski seconded the motion and a roll call vote reflected unanimous approval.

**RESOLUTION NO. 2004-109**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA AMENDING RESOLUTION NO. 2003-180 SETTING FORTH CHANGES REGARDING THE HOURS, WAGES, AND WORKING CONDITIONS FOR SAFETY MANAGEMENT EMPLOYEES.

**MOTION:** Councilmember Mauno moved to adopt Resolution No. 2004-109. Councilmember Witkowski seconded the motion and a roll call vote reflected unanimous approval.

**11c. RESOLUTION NO. 2004-110 RE CROSSING GUARD EMPLOYEES**

Recommendation of the **City Manager** that City Council adopt the 2004-2005 Memorandum of Understanding (Resolution) for employees represented by the Crossing Guards Employees with a total package increase of 2.3%.

**MOTION:** Councilmember Scotto moved to accept the staff recommendation. Councilmember Witkowski seconded the motion and a roll call vote reflected unanimous approval.

**RESOLUTION NO. 2004-110**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA SETTING FORTH THE WAGES, HOURS, AND WORKING CONDITIONS FOR CROSSING GUARD EMPLOYEES FOR THE PERIOD FROM SEPTEMBER 5, 2004 THROUGH JUNE 30, 2005, AND REPEALING RESOLUTION NO. 2003-133.

**MOTION:** Councilmember Mauno moved to adopt Resolution No. 2004-110. Councilmember Witkowski seconded the motion and a roll call vote reflected unanimous approval.

**11d. RESOLUTION NO. 2004-111 RE REVISED URBAN WATER MANAGEMENT PLAN**

Recommendation of the **Acting Public Works Director** and the **Torrance Water Commission** that City Council approve and adopt a **Resolution** adopting the revised Urban Water Management Plan (UWMP), serving as the guideline for the City's water conservation, management and drought contingency plans, and

directing staff to file the revised Plan with the State Department of Water Resources.

Project Manager Dettle clarified that the state requested more detail on conservation programs and the addition of a ground water management plan. He indicated that staff had made those changes and the revisions have been reviewed with the state.

In response to an inquiry from Councilmember Witkowsky, Project Manager Dettle explained that Exxon/Mobil uses a great deal of recycled water in comparison to the small percentage used by schools and parks, but as West Basin continues extending their line to the south, more schools will be added to the recycled water plan.

**MOTION:** Councilmember Scotto moved to accept the staff recommendation. Councilmember McIntyre seconded the motion and a roll call vote reflected unanimous approval.

#### **RESOLUTION NO. 2004-111**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA ADOPTING A REVISED URBAN WATER MANAGEMENT PLAN.

**MOTION:** Councilmember Mauno moved to adopt Resolution No. 2004-111. Councilmember Witkowsky seconded the motion and a roll call vote reflected unanimous approval.

#### **11e. CITY OF TORRANCE NATURAL HAZARD MITIGATION PLAN**

Recommendation of the **Emergency Preparedness Team (E-PREP)** that City Council approve the City of Torrance Natural Hazard Mitigation Plan and direct staff to submit it to the State of California Office of Emergency Services.

Councilmember Lieu commended Deputy Chief of Police Besse and members of the E-Prep Team for their outstanding work on the plan.

Councilmember Witkowsky congratulated Deputy Chief of Police Besse and noted that she was pleased to see collaborations with non-profits and others in the community outside of the City employee division under the earthquake mitigation plan.

**MOTION:** Councilmember Scotto moved to accept the staff recommendation. Councilmember Witkowsky seconded the motion and a roll call vote reflected unanimous approval.

#### **12. HEARINGS**

##### **12a. RESOLUTION NOS 2004-112 TO 114 RE 6226 PACIFIC COAST HIGHWAY**

The **Planning Commission** and the **Community Development Director** recommend that the City Council deny the appeal, adopt a Negative Declaration (EAS03-00015), and adopt **Resolutions** approving, as conditioned, a Conditional Use Permit (CUP03-00053), a Precise Plan of Development (PRE03-00038), and a Tentative Tract Map (TTM-60807) to allow the construction of a fourteen-unit townhouse project on property located in the Hillside Overlay District, in the R-3 zone at 6226 Pacific Coast Highway. The project has been redesigned and no longer requires the approval of a Variance or Waiver.



**EAS03-00015, CUP03-00053, PRE03-00038, TTM60807: Riviera Colony, LLC Riviera Villas (Doug Maupin)**

Mayor Walker opened the public hearing at 7:38 p.m.

Senior Planning Associate Lodan provided an overview of the project noting that it was originally designed with 16 units and approved by the Planning Commission with 14 units on June 2, 2004, but that decision was appealed by the neighbors for Council consideration.

The property is located on the south side of Pacific Coast Highway at Palos Verdes Boulevard in the hillside overlay district and is zoned R-3, allowing multiple family residential developments. He described the surrounding area noting that the General Plan designation for the property is medium density residential allowing 18-28 dwelling units per acre. The original 16-unit project proposed 21 units per acre and the reduced 14 unit project approved by the Planning Commission results in a density of 18.4 units per acre. Surrounding areas are medium to low density with commercial areas to the west. As redesigned the project contains 11 two bedroom units and 3 three bedroom units with all units accessed by a driveway off of the Palos Verdes service road.

Senior Planning Associate Lodan described the layout of the units noting that each unit contains private open space ranging from 300 – 400 square feet comprised of patios and balconies. The units are two stories over a semi-subterranean parking garage and measure 34.05 feet in height from the lowest grade level to 32 feet in height above the prevailing grade along Pacific Coast Highway. The height waiver is no longer required as the buildings have been reduced in height with roof decks and access towers eliminated and an existing stand of trees is to be preserved and protected as conditioned by the resolution.

Senior Planning Associate Lodan reported that the Planning Commission supported the project due to the reduction in height, rearrangement of the driveways, removal of roof decks, increased guest parking and the removal of the two units as conditioned. The height of the project has been reduced to 34 feet to comply with the R-3 zone, the Floor Area Ratio (FAR) of .85 has been reduced to .6, and although only three guest parking spaces are required, the project provides 8.

In response to an inquiry from Councilmember Lieu, Senior Planning Associate Lodan indicated that the former Vagabond Motel with 42 units previously on the site generated an estimated 383 trips per day and the 14 unit project is estimated to generate 84 trips per day: a reduction of almost 300 trips. He indicated that medium density residential allows between 18 and 23 units per acre and this proposal comes in at 18.4, and the allowable FAR is .6 and this project has a FAR of .59.

Doug Maupin, representing Don Wilson Builders, indicated that he had been working on the project for about a year and this is the third complete redesign. He asserted that they had made a sincere effort to work with the neighborhood to bring the project into compliance and produce a marquee project for the corner and entry into Torrance.

Dan Withee, Withee Malcolm Architects, stated that the process had been long and he noted that the original proposal presented to the Planning Commission on May 5, 2004 had an FAR of .92 with over 30,000 square feet of livable space and 42 bedrooms.

A modified design was presented at the second Planning Commission meeting on June 2, 2004 with an FAR of .85, a reduced height of 35 feet, 27,000 square feet of livable space, roof decks and stair towers eliminated and the buildings were moved in order to maintain the landscape buffer on the southern property line. The Planning Commission approved the project reduced to 14 units with an FAR of .75. That decision was appealed by the neighbors so the proposal was again modified with the revised project presented to the neighborhood on August 19 containing a FAR of .589, livable area of 19,400 square feet, which is 36% less than the original proposal, bedrooms decreased from 42 to 31, guest parking increased to double the requirement and driveway access eliminated at Camino de las Colinas.

Mr. Withee asserted that the proposal would have less impact on traffic, streets, sewer, water and power than the previous project had and he felt that the development was going in the right direction for land use on that corner.

In response to an inquiry from Councilmember McIntyre regarding the level of support from the neighborhood at a meeting of residents on Via Colina, Rich Roper with Don Wilson Builders indicated that his general sense was that the neighbors moved towards non-opposition with some voicing support and others expressing concerns with traffic and development of the area. He felt they had made progress with the neighbors, including Nancy Langdon who submitted a letter of non-opposition if the stand of trees was left in place and he indicated that there is a condition to address that. He indicated no opposition to the request from the Norrises that mature trees be planted but he could not promise specific locations as the plan has to be submitted to the City by landscape architects.

Robert Keller, 139 Camino de las Colinas, expressed concern regarding the FAR noting that Section 91.41.7a and 91.41.11 indicated that the FAR maximum in the hillside overlay is .5 not .6.

Deputy City Attorney Whitham responded that the hillside ordinance FAR is .5, however that can be modified if there would be a hardship at holding the applicant to .5 and if going over that limit would not have a materially detrimental impact on the neighborhood and those findings have been met in the resolution and also in a letter from Mr. Maupin in the packet.

Mr. Keller indicated that he had attended all the hearings and there has never been a representation of hardship by the developers. He expressed concern regarding future exceptions to the FAR and asserted that this was an exception without a basis and a misrepresentation as to what the FAR is by the Planning Commission. He felt the law, which indicates a FAR of .5 should be applied and he requested that the appeal be granted or the project be limited to a FAR of .5.

Michael Cotton, President, Riviera Homeowners Association, reported being for the meeting at the Palos Verdes Inn and felt that the consensus was appreciation for the effort made and that the project was much better than the original submittal. He asserted that the General Plan really needed clarification as the FAR is unclear and he expressed support for the project and the effort made to engage the community, residents and homeowners associations noting it is a good example for others who want to work in the City.

Tom Rische, Seaside Homeowners and representing a coalition of Torrance Homeowners Groups including Madrona, Northwest, Seaside Ranchos, Old Torrance, Downtown Torrance, Southwood, Southwood Riviera, Sunray, Walteria and West Torrance representing 20,000 homeowners in the City indicated that they were not taking a particular position except to note the revised project is a vast improvement. He urged careful study and adherence to the General Plan until it is revised, noting that "if it doesn't fit, don't submit."

In response to an assertion from the Mayor that one 2 unit development had been approved since the beginning of the year, Community Development Director Gibson indicated that he did not have exact figures but there were not as many as had been done previously.

Nancy Langdon, the primary appellant, reported sending a letter of non opposition reluctantly as a gesture of goodwill and noted that she did not view the project as a compromise but rather as the project that should have been initially brought forward a year ago. She expressed frustration on the large amount of work she had to do over the year to get the project to where it should have been in the first place and asked that builders stick to the rules that the homeowners bought into.

Ms. Langdon indicated that clarification was needed on the on .5 vs. .6 FAR and on Conditional Use Permit 95.3.28 which appeared to be a variance and would therefore be subject to the California Variance Checklist. She expressed concern about setting a precedent if a third story were to be allowed at the corner and Mayor Walker indicated that other developments along Palos Verdes Boulevard would not be allowed to add a third story.

In response to an inquiry from Ms. Langdon, Community Development Director Gibson indicated that conditions of approval would address issues of vegetation and landscaping and the CUP requires that the Homeowners Association be responsible for maintaining the landscaping and keeping it in compliance.

Mr. Langdon relayed privacy concerns on behalf of the Norrises who are in Wales noting that Mr. Welter had given his word that privacy trees would help. She indicated that she had provided a suggestion on how to address traffic problems on Las Colinas in her letter of non-opposition and provided copies of research from the Lusk Institute of Real Estate to the Council asserting that the City was moving in the wrong direction to meet the housing goals and sacrificing too much. She added that she would like to see the General Plan examined scientifically.

Mr. Maupin thanked Ms. Langdon for her non-opposition letter and he reported that he had publicly and on the record written a letter about the hardships with the FAR noting difficulties with topography and grading requirements that create inefficiencies with floor plans. He added that the project is on a busy corridor requiring additional set backs and parking places, and he cited economic hardship with reducing square footage.

Mr. Maupin appreciated the support of the Planning Commission and did not feel that granting a .59 FAR is a danger noting that this area did not have the hillside issues that some other properties do as there are no issues with view, light, air or privacy.

Ms. Langdon asserted that under California Law a hardship with the development would relate to topography not economics.

Deputy City Attorney Whitham indicated that Torrance is a Charter City, has their own zoning ordinance and is not subject to State Law Variance Requirements but rather have adopted their own zoning ordinance so CUP Section 95.3.28 is a CUP permit which is recognized by the courts as a flexible tool by which cities can make modifications to their zoning ordinance changes. Staff feels it is a legitimate use of the CUP process and she disagreed with Ms. Langdon's interpretation of topographical hardship as it applies to the City of Torrance ordinance. The City does not limit the definition of hardship to topographical hardship but also looks at land values, economics of housing construction, reasonable investment backed expectations and a variety of other issues.

Ms. Langdon asserted that the issue of topography is covered in the hillside overlay ordinance and that is the contract residents bought into.

City Attorney Fellows received clarification that Ms. Langdon was referencing the most recent hillside overlay ordinance and noted that the findings required to be made by the Council since this is an FAR above .5 are located on pages 12-13 of the staff report starting with finding h through m and the letter Mr. Maupin refers to begins at page 43 of staff report. He asserted that from a legal standard the Council is legally justified in approving the project with respect to the issue of increasing the FAR not to exceed .6.

**MOTION:** At 8:22 p.m. Councilmember McIntyre moved to close the public hearing. Councilmember Witkowski seconded the motion and a roll call vote reflected unanimous approval.

Mayor Walker observed that most of the developments in the surrounding areas were considerably larger because they were built a long time ago, but this is a development that has been through many modifications and reductions resulting in a project that meets the satisfaction of almost everybody. He expressed appreciation for Ms. Langdon's input and noted that her concerns would be examined.

**MOTION:** Councilmember Witkowski moved to deny the appeal and approve the plan. Councilmember Mauno seconded the motion and the discussion continued.

Councilmember Scotto observed that the project had no variances, waivers, zone changes, height variances, or General Plan changes, but he was disappointed that they had to go through such a long process to get to this point. He noted that without the community pressure they would still be arguing about a FAR of .75 and he expressed hope that in the future projects would come forward with an acceptable FAR in the initial proposal. Councilmember Scotto stated that because of the changes made to this project he would be supporting it.

Councilmember McIntyre expressed gratitude to the residents of Torrance that they care enough about development to show up and express informed opinions and she complimented the homeowners associations for their support of the project which would have not happened without the immense changes. One of the major factors that led her to support the project is the relocation of traffic onto Palos Verdes Boulevard and she felt the developers, neighbors and the community would benefit from the project.

Councilmember Nowatka clarified that the Council was voting to approve the revised project, not the initial project approved by the Planning Commission and he expressed pleasure at watching the process of government at work with residents willing

to work toward a project that was acceptable and then support it. He thanked Ms. Langdon for her removal of direct opposition and for raising issues that will remain in their minds as they go forward.

Councilmember Nowatka suggested that residents give councilmembers a chance to do what they promised with the General Plan and not make the same accusations or bring up similar issues each week.

Councilmember Mauno agreed with previous comments and thanked Ms. Langdon for her work on the project. He indicated that as a hillside project the only issue was privacy and that has been alleviated and he asserted that the project is a quality design and will be a benchmark for travelers on Pacific Coast Highway entering the City.

A roll call vote was taken on the motion which reflected unanimous approval.

**RESOLUTION NO. 2004-112**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA APPROVING A CONDITIONAL USE PERMIT AS PROVIDED FOR IN DIVISION 9, CHAPTER 5, ARTICLE 1 OF THE TORRANCE MUNICIPAL CODE TO ALLOW THE CONSTRUCTION OF A 14-UNIT RESIDENTIAL CONDOMINIUM DEVELOPMENT ON PROPERTY LOCATED IN THE R-3 ZONE AT 6226 PACIFIC COAST HIGHWAY.

**MOTION:** Councilmember Mauno moved to adopt Resolution No. 2004-112. Councilmember Witkowski seconded the motion and a roll call vote reflected unanimous approval.

**RESOLUTION NO. 2004-113**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA APPROVING A PRECISE PLAN OF DEVELOPMENT AS PROVIDED FOR IN DIVISION 9, CHAPTER 1, ARTICLE 1 OF THE TORRANCE MUNICIPAL CODE TO ALLOW THE CONSTRUCTION OF A 14-UNIT RESIDENTIAL CONDOMINIUM DEVELOPMENT ON PROPERTY LOCATED IN THE HILLSIDE OVERLAY DISTRICT IN THE R-3 ZONE AT 6226 PACIFIC COAST HIGHWAY.

**MOTION:** Councilmember Mauno moved to adopt Resolution No. 2004-113. Councilmember Witkowski seconded the motion and a roll call vote reflected unanimous approval.

**RESOLUTION NO. 2004-114**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA APPROVING A TENTATIVE TRACT ALLOWING ONE LOT TO BE SUBDIVIDED FOR A 14-UNIT RESIDENTIAL CONDOMINIUM DEVELOPMENT ON PROPERTY LOCATED IN THE R-3 ZONE AT 6226 PACIFIC COAST HIGHWAY.

**MOTION:** Councilmember Mauno moved to adopt Resolution No. 2004-114. Councilmember Witkowski seconded the motion and a roll call vote reflected unanimous approval.

Mayor Walker congratulated Senior Planning Associate Lodan on his presentation of the item.

Mr. Maupin thanked the Council for their time and patience.

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The Torrance Redevelopment Agency met from 8:33 p.m. to 8:35 p.m.

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**16. ORAL COMMUNICATIONS**

**16a.** City Clerk Herbers invited everyone to view the work of Torrance Artists Guild member Betty Grissom on display in the City Clerk's office for the month of September.

**16b.** Councilmember Lieu extended best wishes to Torrance resident and Pastor, Milton Herring who was recently deployed to Iraq as a chaplain in the U.S. Army Reserves.

**16c.** Councilmember Lieu congratulated Councilmember Mauno who was recently installed as secretary of the Independent Cities Association.

**16d.** Councilmember Mauno reminded everyone to take extra care to look out for children going to school as it is now back in session.

**16e.** Councilmember McIntyre congratulated the Torrance Theatre Group on a stellar production of "The Crucible" and reported that the next production would be "Joseph and the Amazing Technicolor Dreamcoat."

**16f.** Councilmember McIntyre reported receiving several requests that the City consider the feasibility of converting the Elm Street water tower to a park for that neighborhood. City Manager Jackson indicated that staff had previously met with the neighborhood and would investigate the matter further to gauge interest.

**16g.** Councilmember McIntyre announced the 12<sup>th</sup> Annual Fall Boutique on Saturday and Sunday, September 18 and 19<sup>th</sup>, at the Torrance Cultural Arts Center.

**16h.** Councilmember Nowatka congratulated Councilmember Mauno on his election to the position of Secretary for the Independent Cities Association.

**16i.** Councilmember Nowatka announced that Friday, September 17 is officially POW/MIA Day and he asked that everyone take time to reflect on those people who have disappeared out of our lives.

**16j.** Councilmember Nowatka invited everyone to the Salvation Army Health and Resource Fair on Saturday, September 18 and noted that the Lion's Club would be accepting donations of old eye glasses.

**16k.** Councilmember Witkowsky congratulated Councilmember Mauno on his new position as Secretary for the Independent Cities Association.

**16l.** Councilmember Witkowsky encouraged everyone to attend the Employee Talent Show on Friday evening at the Armstrong Theatre.

**16m.** Mayor Walker regretfully announced the death of former Councilmember Bill Applegate's mother, Ruth Bernice Applegate, and he asked that the meeting be adjourned in her memory.

**16n.** John Driver, President of American Postal Workers Union, reported on USPS plans to close the Marina Processing Distribution Center in Culver City which is the dedicated processing site for Torrance mail, processing approximately 500,000 pieces of mail per day. He expressed concern that there had been very little notification about this plan to consolidate mail into the already overburdened Los Angeles Processing Distribution Center in South Los Angeles by January 2005 and he encouraged the City to get information and have input into the decision. City Manager Jackson indicated that staff would investigate the matter.

**16o.** Collette Midor announced a meeting sponsored by the Self-Advocacy Board of Los Angeles County on Saturday, October 9 at the Westside Pavilion Community Room to hear from representatives for George Bush and John Kerry speaking about their plans to support people with disabilities.

**16p.** Alan Lee, AFSCME Local 1117, invited everyone to an event on Saturday, October 9 honoring community leaders including former Councilmember Maureen O'Donnell with more information available by calling (310) 540-4855.

Mr. Lee reported progress on insurance issues. He also encouraged the Mayor and Council to support the workers at Power Ford in their efforts to become unionized.

Mr. Lee suggested that City Manager Jackson retiring employees Frank Correa and Jack Palmer.

**17. EXECUTIVE SESSION**

Considered earlier in the meeting. No formal action was taken.

**18. ADJOURNMENT**

At 8:54 p.m., the meeting was adjourned to Tuesday, September 21, 2004, at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chambers.

***\*Adjourned  
in memory of  
Ruth Bernice Applegate.\****

Attest:

/s/ Dan Walker

Mayor of the City of Torrance

/s/ Sue Herbers

Sue Herbers, CMC  
City Clerk of the City of Torrance

Approved on November 9, 2004